

REMARKS

The Office Action dated March 7, 2005 has been received and its contents carefully noted.

With this paper, claims 8,17-22 and 24-25 are amended, none are canceled, and none are added. Thus the application still includes 25 claims.

Requirement for Election/Restrictions

The Examiner requires restriction to one of the following inventions under 35 USC §121, asserting that inventions are distinct:

- I. Claims 1-16, drawn to users registering for presence of service, classified in class 709, subclass 225;
- II. Claims 17-21, drawn to inviting user to exchange contents, classified in class 709, subclass 206;
- III. Claims 22-25, drawn to instant message service, classified in class 455, subclass 466.

With this paper, the applicant provisionally elects Group II, claims 17-21, for prosecution and traverses the restriction requirement.

The applicant has reviewed the arguments advanced by the Examiner in imposing the restriction requirement and believes that the restriction requirement is incorrect because all three groups of the claims are drawn to one single invention.

Group I is drawn to two methods, first a method of providing a presence service (claims 1-7) and second a method of using a presence service (claims 8-16). Each of the methods provides that spatial location information of registered users are to be used in conjunction with a message service for providing or receiving messages between the registered users (claims 7 and 16). Group III (claims 22-25) are drawn to a method for using information relating to presence (i.e. spatial location information) in conjunction with a messaging service. The method as in Group III directly relates to and is a further expansion of the step recited in claim 7 and claim 16, respectively. Contrary to Examiner's assertion, Group III (claims 22-25) is not

drawn to an instant message service, but a method for using information relating to presence (registered users' spatial location information) *in conjunction* with the message service. Therefore, Groups I and III are not two distinctive inventions and Group III will not operate without conditions provided by the inventive features of Group I. To further emphasize the novel features of the invention as presented in claims 22-25, and the relationship between claim groups I and III, the preamble of independent claim 22 has been amended.

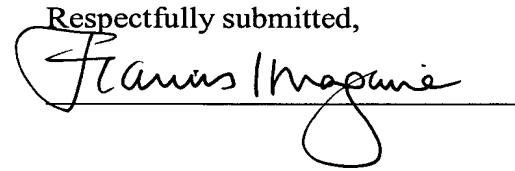
Group II is drawn to a system/apparatus that is designed to provide services as required by both of the inventions of Groups I and III. That is, a central server and a presence server as in claim 17 for carrying out the invention of Group I, and a messaging server as in claim 18 for carrying out the invention of Group III. Therefore, the system of Group II does not have separate utility and is not separately patentable if detached from Groups I and III.

In view of the foregoing the applicant respectfully requests that the restriction/election requirement be reconsidered and withdrawn. Applicant's attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Date

5 APRIL 2005

Ware, Fressola, Van Der Sluys
& Adolphson LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468-0224
Tel: (203) 261-1234
Cust. No.: 004955

Respectfully submitted,


Francis J. Maguire
Attorney for the Applicant
Registration No. 31,391